

# Revising the Victims' Code

Citizens Advice's response to the consultation document on Revising the Victim's Code

August 2015



# About Citizens Advice

Citizens Advice provides free, independent, confidential and impartial advice to everyone on their rights and responsibilities through its network of local offices in over 3,300 community locations in England and Wales, online, and via telephone.

In April 2015, Citizens Advice began delivery of the Witness Service in criminal courts across England and Wales. The Witness Service provides practical help, emotional support and information to witnesses so that they feel valued, respected and informed and able to give their best evidence in court. Victims made up 51% of the witnesses seen by the Witness Service in the quarter beginning April 2015.

Citizens Advice understands the issues faced when people become involved in complex legal issues. In 2013/4, bureau staff and volunteers helped over 140,000 people with legal issues. Of these, over 40,000 clients needed advice about court proceedings.

This document is a response to the Ministry of Justice's August 2015 consultation document on Revising the Victim's Code.

# Consultation response

The continued reappraisal of this Victim's Code is important in ensuring compliance with the EU Victims' Directive. It is also essential in improving the experience of victims and witnesses going through our justice system.

## Extension of services offered under the Code to victims of any criminal offence

It is right that the definition of victims in the Code should be expanded from being someone who has suffered harm directly caused by a criminal offence that is notifiable under the National Crime Recording Standards (NCRS) to including victims of any criminal offence.

The likelihood of a victim requiring support does not simply relate to the severity of the crime they have experienced as defined by criminal justice agencies. A victim's need for support will also depend on previous experience, resilience and personality as well as a range of demographic factors. It may also be affected by the presence of formal and informal support networks in the victim's life as well as the victim's own perception of the severity of the crime. The crime's progression through the justice process (for instance whether it reaches court) is also likely to affect whether a victim needs support.

For this reason, a broad definition of victims is the best way to ensure access to support organisations can be made available for all those who need it. This has the potential to mitigate the need for more costly interventions later on if initial support is not readily available.

## Identification of further relevant public sector investigative and prosecutorial organisations

Extending the breadth of organisations who must provide services will be an important step in ensuring all victims and witnesses receive the support they require, regardless of the routes through which they must travel in order to access justice. It should not be the case that the quality and extent of the service received by victims and witnesses should depend on the bodies through which their case is passed. Harm is harm. Extending the number and scope of bodies responsible for the experience of victims is a positive step in ensuring our justice system is a service aligned with the needs of its users.

However, attention must be paid to the experience of victims. Too often, victims are contacted by multiple agencies, messages are duplicated and the process is drawn out for users while being inefficient for deliverers. Conversely, for some victims certain services or pieces of information never materialise, despite and because of the wide range of organisations whose responsibility it is to support the victim.

With a broader range of agencies included in the code, it is essential that responsibilities are clear and the process is as seamless and consistent as possible for victims. Consideration will need to be made of the way these bodies interact if victims and witnesses are to be well served.

## Written acknowledgment stating the basic elements of the criminal offence concerned

At Citizens Advice, we recognise the importance of people understanding the situations they find themselves in, and the choices available to them. This allows citizens to feel more empowered and enables them to take active steps to receive the service to which they are entitled (either by request or through complaints after the fact) if not automatically given. An understanding of and greater feeling of control over a situation can also help to reduce distress, anxiety and confusion.

However, the safety of victims and witnesses is paramount. It is important that the practical side of this is fully understood before implementation. The limitations to this (as in the stated case of domestic abuse) are important. However, cases in which it is not appropriate for written acknowledgements to be provided are broad. As stated in the consultation, domestic abuse is an example in which best practice ensures victims are never given written materials relating to the crime. Further to domestic abuse, this may also be appropriate in crimes such as so-called honour based violence, anti-social behaviour and gang related violence.

It is important that in practice, the wide range of situations in which a written acknowledgement might cause risk to a victim is a prioritised consideration for the police or relevant service providers whose discretion will be relied upon to keep the victim safe.

## Awareness

Further to the content of the code being amended we would highlight that it is unacceptable that not all victims are aware of the rights set out for them in the victim's Code.<sup>1</sup>

It is important that MoJ continue to publicise and promote the code to ensure increased awareness among organisations and victims themselves. The profile of the code could be more effectively raised and so more widely implemented. This might simply mean producing more of existing marketing materials that explain the code and ensuring their wide distribution.

Investigative work should be done to ascertain to most effective way of ensuring victims are aware of their rights under the code and how all agencies and organisations can promote and disseminate its values and benefits.

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<sup>1</sup> Newlove, Helen. (2015) *A review of complaints and resolution for victims of crime*. Victims' Commissioner.